

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT MACKEY,

Petitioner,

v.

CHAE HARRIS, Warden,
Lebanon Correctional Institution,

Respondent.

Case No. 3:19-cv-290

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #23);
DISMISSING WITH PREJUDICE PETITION UNDER 28 U.S.C. § 2254
FOR WRIT OF HABEAS CORPUS (DOC. #4); DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN*
FORMA PAUPERIS; JUDGMENT TO ENTER IN FAVOR OF
RESPONDENT AND AGAINST PETITIONER; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations, Doc. #23, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety. Although Petitioner was advised of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.


The Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus, Doc. #4, is
DISMISSED WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: June 22, 2020

 (tp - per Judge Rice authorization after his review)

WALTER H. RICE
UNITED STATES DISTRICT JUDGE